

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

RICK SIMS	§	
	§	
VS.	§	CIVIL ACTION NO. H-07-4511
	§	
TEXAS DEPARTMENT OF HOUSING	§	
AND COMMUNITY AFFAIRS, ET AL.	§	

OPINION AND ORDER

On December 21, 2007, Plaintiff, Rick R. Sims, initiated this civil action by filing his original complaint. On September 8, 2008, this Court denied Sims' Motion for Default Judgments against named Defendants TK Net, LLC and Anderson LLC because Sims presented inadequate proof that those Defendants had been properly served with process. Rule 4(m) of the Federal Rules of Civil Procedure provides, in part, that "If a Defendant is not served within 120 days after the complaint is filed, the Court...must dismiss the action without prejudice against that Defendant." At present, there is still no evidence in the Court's file proving these Defendants have been properly served.

It is, therefore, the **ORDER** of this Court that all claims asserted by Sims against TK Net, LLC and Anderson LLC are **DISMISSED, without prejudice**, for Sims' failure to timely perfect service upon these Defendants.

DONE at Galveston, Texas, this _____ 3rd _____ day of February, 2009.



John R. Froeschner
United States Magistrate Judge